

Brian Yu
Debtor in Pro Per
36500 Alder Ct,
Fremont, CA 94536

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re:

Case No. 22-41315 WJL
Chapter 13

BRIAN YU,

**EX PARTE MOTION TO VACATE THE
ORDER DISMISSING CHAPTER 13
PROCEEDING; CERTIFICATE OF
SERVICE**

Debtor.

Judge: Hon. William J. Lafferty

The Debtor, Brian Yu, in Pro Per, hereby submits this Ex Parte Motion to Vacate the Order Dismissing Chapter 13 case. The basis for this Ex Parte Motion is as follows:

1. The Debtor filed his Chapter 13 Case on December 29, 2022.
 2. On February 13, 2023 under Dkt. No. 29, the Chapter 13 Trustee filed a Motion to Dismiss the instant case for failure to make plan payments.
 3. Additionally, on February 28, 2023, the Chapter 13 Trustee filed a Request to Dismiss the instant case as the Debtor had failed to submit the required tax documents in a timely manner.
 4. Consequently, on the same day, February 28, 2023 under Dkt. No. 33, the Court dismissed the instant case.
 5. The Debtor is now current with his plan payments and has submitted the required tax documents on time to the Chapter 13 Trustee's address in Hayward via USPS. (See a true and correct copy of the USPS receipt confirming the mailing of the tax documents attached as **Exhibit A**)

6. The Chapter 13 Trustee's office has confirmed that the Trustee's office now has the Debtor's required tax documents.
 7. The Debtor apologizes to the Court and the Chapter 13 Trustee for any delays in the proceeding of his case. He has had COVID in the past two weeks and is only now back to his normal self.
 8. The Debtor intends to pursue his case responsibly going forward and asks the Court for the opportunity to do so. He will deliver all requested documents in a timely manner and attend all required, upcoming hearings/meetings.

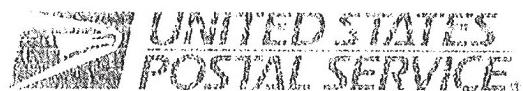
Therefore, the Debtor respectfully asks the Court to vacate the Order dismissing his case and allow him to pursue this Chapter 13.

Respectfully submitted,

Dated: March 3, 2023

/s/ Brian Yu
Brian Yu, Pro Per

Exhibit A



FREMONT

37010 DUSTERBERRY WAY

FREMONT, CA 94536-9998

(800)275-8777

02/20/2023

03:11 PM

Product	Qty	Unit Price
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Price

First-Class Mail®	1	\$0.87
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Letter

Hayward, CA 94540

Weight: 2.00 oz

Forever® Postage Stamp	1	\$0.63	\$0.63
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Grand Total:	\$1.50
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CERTIFICATE OF SERVICE

I am NOT a party to the within action; my business address is 38010 Fremont Blvd, Fremont, CA 94536. On March 3, 2023, I served the interested parties with the document(s) described as follows:

1. EX PARTE MOTION TO VACATE THE ORDER DISMISSING CHAPTER 13 PROCEEDING; CERTIFICATE OF SERVICE;

BY USPS FIRST CLASS MAIL: By placing a TRUE COPY thereof enclosed in a sealed envelope with postage fully pre-paid addressed to all addressees listed below and on the attached **Court Creditor Matrix**. The envelope was deposited in the United States Post Office in Fremont, California.

BY ELECTRONIC TRANSMISSION: I also caused to be served the above-described documents by means of electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the following parties and/or counsel who are registered ECF users: *All CM/ECF registered participants.*

Executed on **March 3, 2023** at Fremont, California.

I declare under penalty of perjury that the above statements are true and accurate.

/s/ Vidya Parkash
Vidya Parkash